

7A Am. Jur. 2d Automobiles § 406

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Automobiles and Highway Traffic

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V. Traffic Regulations; Offenses Regarding Vehicles, Driving, Licensing, and Registration

M. Other Offenses

§ 406. Particular equipment regulations; excessive loads

[Topic Summary](#) | [Correlation Table](#) | [References](#)

West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  327, 337

Traffic regulations may restrict the materials used on a windshield that might obstruct, obscure, or impair a driver's clear view of the highway, which does not prohibit items hanging on a rearview mirror.¹ Under some statutes it is a violation of the window tint statute if any one window is tinted to the extent that an occupant cannot be recognized through that window.² A nontransparent sticker on a motor vehicle's rear window is not, in and of itself, a violation of a vehicle code.³ Other statutes prohibit objects obstructing the view of the driver of a motor vehicle.⁴ A statute, prohibiting the obstruction of a car's windshield, does not per se prohibit the hanging of any item on the inside of a windshield without regard to whether it obstructs the driver's vision, as a violation of the statute must be linked to an obstruction of the driver's vision.⁵

A statute requiring safety glass in a vehicles does not by its plain terms prohibit the operation of vehicles equipped with a rear windshield damaged so badly it is impossible to see through the window, as the fact that a panel of safety glass is cracked or otherwise damaged does not mean that it is no longer safety glass.⁶

A person wearing the shoulder harness of a seat belt under the arm, so it crosses the torso, is restrained as required by statute.⁷

Traffic regulations sometimes prohibit operating a motor vehicle upon a highway while using a hand-held mobile telephone.⁸ A statute defining the offense of using a wireless telephone while driving may prohibit only the use of a wireless telephone to engage in a conversation, and thus a defendant who holds a cellular telephone in his or her hand and looks at a map application while driving does not thereby commit the offense.⁹ A provision prohibiting a motorist's use of a portable electronic device, including a cell phone, while operating a motor vehicle may not encompass the use of a cell phone as a clock or watch.¹⁰

Load limits may be imposed on vehicles,¹¹ to ensure the safety and quality of public roads.¹² Such statutes may be penal, and thus must be strictly construed.¹³ Local jurisdictions may be granted broad powers to enforce a vehicle weight ordinance adopted consistent with the applicable state statutory provisions.¹⁴ Whether a police officer had reason to believe that the weight of a truck driver's load exceeded the permissible limits is not a necessary element required to establish a violation of the statute prescribing weight limits per axle.¹⁵

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Footnotes

- 1 Gordon v. State, 901 So. 2d 399 (Fla. 2d DCA 2005).
- 2 Doctor v. State, 57 N.E.3d 846 (Ind. Ct. App. 2016).
- 3 Com. v. Slattery, 2016 PA Super 99, 139 A.3d 221 (2016).
- 4 State v. Houghton, 2015 WI 79, 364 Wis. 2d 234, 868 N.W.2d 143 (2015).
- 5 State v. Hurley, 198 Vt. 552, 2015 VT 46, 117 A.3d 433 (2015).
- 6 State v. Mercier, 165 N.H. 83, 66 A.3d 1242 (2013).
- 7 People v. Locke, 1 Misc. 3d 482, 765 N.Y.S.2d 468 (N.Y. City Ct. 2003) (seat belt regulation is *malum prohibitum*).
- 8 State v. Dunbar, 165 Conn. App. 93, 138 A.3d 455 (2016).
- 9 People v. Spriggs, 224 Cal. App. 4th 150, 168 Cal. Rptr. 3d 347 (5th Dist. 2014).
- 10 People v. Riexinger, 40 Misc. 3d 623, 968 N.Y.S.2d 832 (Town Ct. 2013).
- 11 State v. Meadows, 696 N.W.2d 593 (Iowa 2005); State v. Myrl & Roy's Paving, Inc., 2004 SD 98, 686 N.W.2d 651 (S.D. 2004); State v. T.P. Trucking, 2006 WI App 98, 293 Wis. 2d 273, 715 N.W.2d 736 (Ct. App. 2006).
- 12 State v. Myrl & Roy's Paving, Inc., 2004 SD 98, 686 N.W.2d 651 (S.D. 2004).
- 13 Com. v. Reaser, 2004 PA Super 148, 851 A.2d 144 (2004) (defendant acting under local delivery exception is not required to determine the shortest route of travel on the weight-restricted roadway).
- 14 Village of North Aurora v. Anker, 357 Ill. App. 3d 1049, 294 Ill. Dec. 470, 830 N.E.2d 882 (2d Dist. 2005).
- 15 People v. Gentner, Inc., 262 Mich. App. 363, 686 N.W.2d 752 (2004).

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